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Attorneys for Plaintiff  
MATTHEW RUSSO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MATTHEW RUSSO,

Plaintiff,

v.

APL MARITIME LTD, APL MARINE  
SERVICES, LTD, AMERICAN PRESIDENT  
LINES, LLC, CMA CGM (AMERICA) LLC,  
CMA-CGM S.A., JOHN FREDERICK  
DAYLOR,

Defendants.

Case No. 3:24-cv-06300-MMC

**STIPULATION TO TRANSFER VENUE  
TO U.S. DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA,  
ALEXANDRIA DIVISION**

**AND ORDER THEREON**

Gordon Rees Scully Mansukhani, LLP  
315 Pacific Avenue  
San Francisco, CA 94111

1 By and through their respective counsel of record, Plaintiff MATTHEW RUSSO  
2 (“Plaintiff”) and Specially Appearing Defendants APL MARINE SERVICES, LTD., and  
3 JOHN FREDERICK DAYLOR (“Specially Appearing Defendants,” and collectively with  
4 Plaintiff “the Parties”) hereby agree and stipulate as follows:

5 WHEREAS Plaintiff filed a Complaint for Damages (“Complaint”) on September 6,  
6 2024 against Specially Appearing Defendants and other entities that have since been dismissed  
7 from this action, alleging causes of action for Jones Act negligence, unseaworthiness,  
8 intentional infliction of emotional distress, negligent infliction of emotional distress, sexual  
9 harassment, and the intentional tort of battery.

10 WHEREAS Specially Appearing Defendants were served with the Summons and  
11 Complaint in October 2024 and neither Defendant has responded to Plaintiff’s Complaint to  
12 date.

13 WHEREAS the Parties have agreed, through their counsel and pursuant to 28 U.S.C. §  
14 1404(a), to transfer venue of this action from the above-captioned Court to the United States  
15 District Court for the Eastern District of Virginia, Alexandria Division.

16 WHEREAS, as part of the Parties’ meet and confer obligations, Specially Appearing  
17 Defendant APL MARINE SERVICES, LTD. informed Plaintiff it is headquartered in Virginia,  
18 and of its intention to file a motion to transfer venue to the Eastern District of Virginia;

19 WHEREAS, in pleadings seeking to continue his deadline to appear in this Action,  
20 Specially Appearing Defendant JOHN FREDERICK DAYLOR made representations to the  
21 Court he is not a Californian resident, and intended to challenge this Court’s jurisdiction;

22 WHEREAS to avoid the expense and delay of motion practice between the Parties, a  
23 stipulated transfer will not result in prejudice to any of the Parties and will serve the  
24 convenience of the Parties and witnesses and the interest of justice;

25 WHEREAS, as a condition of the expedited transfer and change of venue, Plaintiff, and  
26 Specially Appearing Defendants APL MARINE SERVICES, LTD., and JOHN FREDERICK  
27 DAYLOR, agree to submit themselves to the personal jurisdiction and venue of the United  
28 States District Court for the Eastern District of Virginia;

WHEREAS, the parties agree that the Plaintiff's causes of action alleged in the Complaint [Dkt. 1], alleging Jones Act negligence, Unseaworthiness, Intentional Infliction of Emotional Distress, Negligent Infliction of Emotional Distress, Sexual Harassment and Intentional Tort of Battery, were tolled when the Complaint was filed in the Northern District of California, on September 6, 2024 [Dkt.1], and agree that the tolling of Plaintiff's causes of action will remain through the period of time until this action is formally transferred and accepted by the Eastern District of Virginia

IT IS HEREBY STIPULATED AND AGREED:

1. The Parties agree to transfer venue of this action from the instant Court to the United States District Court for the Eastern District of Virginia, Alexandria Division.

IT IS SO STIPULATED.

Dated: December 30, 2024

GORDON REES SCULLY MANSUKHANI, LLP

By: /s/Andrew I. Port  
 ANDREW I. PORT  
 LEA M. LUTERSTEIN  
 Attorneys for Specially Appearing  
 Defendant  
 APL MARINE SERVICES, LTD.

Dated: December 30, 2024

O'HAGAN MEYER LLP

By: /s/Aaron A. Hayes  
 AARON A. HAYES  
 Attorneys for Specially Appearing  
 Defendant  
 JOHN FREDERICK DAYLOR

Dated: December 30, 2024

NELSON & FRAENKEL LLP

By: /s/Carlos F. Llinás Negret  
 GRETCHEN M. NELSON  
 CARLOS F. LLINÁS NEGRET  
 Attorneys for Plaintiff  
 MATTHEW RUSSO

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**[PROPOSED] ORDER**

Pursuant to 28 U.S.C. § 1404(a) and the Stipulation between Plaintiff MATTHEW RUSSO and Specially Appearing Defendants APL MARINE SERVICES, LTD., and JOHN FREDERICK DAYLOR filed on December 30, 2024, the above-referenced case is hereby transferred to the United States District Court for the Eastern District of Virginia, Alexandria Division.

**IT IS SO ORDERED.**

Dated: January 6, 2025

  
JUDGE MAXINE M. CHESNEY

Gordon Rees Scully Mansukhani, LLP  
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